p9

Previous references.

File No 151-05

1905.

Serial Nos 13 & 14

(municipal)

Later references

Ind 191-11 (1-5, 8-10 & 13)
Mysl 23 3-12 8-10
Mysl 15-4-11 - 1-9 — permanently preserved
Ind 162 - 164
Cul 162-1165 & 1413 Septr 1915 ✓
Mr 136-2814 1-8

GENERAL AND REVENUE SECRETARIAT

Ind 165-86-Sh 162
Ml 10-48 (178, 179)

Serial Nos. 13 — 14

Part B for December 1905

SUBJECT.

Taxation of the Madras Ry. Company's buildings within the Bangalore City Municipal limits.

FILE No. Ml 151 of 1905-06.

Taxation of the Madras Railway Company's buildings within the Bangalore City Municipal limits.

13 From the First Assistant to the Hon'ble the Resident in Mysore, No. 7168, dated 4th December 1905
Forwards a copy of the Officiating Resident's Proceedings No. 7166, dated the 4th December 1905, on the subject.

14 To the President, Municipal Commissioner, Bangalore City, No. 6226-7, dated 15th December 1905
Forwards the letter for information and guidance

R. S 11]

1905-06

GENERAL AND REVENUE SECRETARIAT

(Mb)

NOTES.

File No 151-05

FILE HEADING

Taxation of the Madras Railway Company's lands within the Bangalore City Municipal limits

From

The First Assistant Resident

No. 7168 Dated 4. 12 05 Received 5. 12 1905

Memorandum No 4656	Enclos 1	Spare Copies —	Serial No 13

BRIEF ABSTRACT OF LETTER.

Forwards a Copy of the Offg: Resident's Prcgs. 7166 dated the 4th December 1905 on the subject

NOTES AND ORDERS

Draft order communicating the Hon'ble the Resident's decision to the President is submitted.

2 Attention is, however, respectfully invited to the award of Rs 1007- made for

NOTE—First sheet

MGOPB—30,000—17 2-03

R S 12]
General and Revenue Secretariat.

Nil File No 151 of 1905

Serial No

special Conservancy work" in para 5 of the Offg Resident's Proceedings. ~~This cannot be accepted for the consideration~~ The Correspondence on the subject is, no doubt clear that, the said sum of Rs 1800 being the actual charge incurred by the Municipality in maintaining a Cart, the Company has to pay the amount so long as the service is limited to one Conservancy Cart only. ~~It is therefore submitted that this is not a fixed charge, but~~ ~~but only a fluctuating item which~~ ~~is liable to fees for the consumption of extra~~ ~~water.~~

BB
6/12/05

Draft submitted to the Honble the Chief Commissioner

B
7-12-1905

907
7-12-05.

4 On the whole, I think this is a case of a temporary settlement. If hereafter, it should become necessary to employ more carts than one for special conservancy, a further claim for the addl cost involved

MGCPB—20,000—1 11-04

[S. 12]
General and Revenue Secretariat.

Ml File No 151 of 1905

Serial No	
	may be made by the Board. This need not now be considered. Draft abed Bl 8/12/05
1947 8.12.05	8-12-1905
	5 The draft has been approved by the Dewan
114	6 Govt Proc. No 6326-7 dated the 15th December 1905 Forwards a copy of the Hon'ble the Resident's Proceedings to the President for information and guidance

MGGPB—20,000—1 11-04

8458 6

Mil 151-C
Sl. 13

E.P.B.—10-05.—500.

No. 7168 Encre

From

R C H MOSS KING, Esq., I C S,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

Encd 4.12.05

To

The Dewan of Mysore.

Dated Bangalore, 4th December 1905.

Sir,

With reference to Mr. Venkatavaradiengar's letters Pol Nos. 350 and 379, dated the 6th and 14th November 1905, respectively, regarding the taxation of the buildings of the Madras Railway Company at the Bangalore City Station, I am direct to forward a copy of the Offg: Resident's Proceedings No. 7166 of this day's date on the subject.

I have the honour to be,
Sir,
Your most obedient servant,

First Assistant Resident.

No. 7166

Proceedings of the Resident in Mysore.

Bangalore, dated, 4 December 1905.

Read again.- The following papers regarding the taxation of the buildings of the Madras Railway Company at the Bangalore City Station:-

Letter No.M.14167B-769 3, dated the 8th August 1905, from the Agent and Manager, Madras Railway Company.

Letter No.M.14167B-8060, dated the 12th August 1905, from -do-do-

Read.- Letters Pol Nos.350 and 379, dated the 6th and 14th November 1905, respectively, from the Mysore Durbar on the subject.

ORDER.

From 1881-82 the Madras Railway Company has been paying an annual house-tax of Rs. 881-8-0 and from 1897-98 a further annual tax for lighting amounting to Rs.176-4-10 to the Municipal Commission of the Bangalore City. On 1st July 1900 a water tax of Rs. 528-14-8 was imposed, and the Railway Company was required to pay in addition a charge at the rate of 12 annas for every 1000 gallons or fraction thereof used in excess of the free allowance of water admissible under the Municipal rules in return for the payment of water tax. From 1st July 1903 the Municipality claimed payment of the actual charge of Rs.15 a month incurred by it for providing a special conservancy cart solely for Railway purposes.

2. In 1903 the Railway Company first raised objection to the levy of the lighting tax on the ground that the sanction of the Government of India had not been obtained thereto, as required by Section 135 of the Indian Railways Act IX of 1890

and

and the rules issued thereunder. The jurisdiction over the Railway premises having been ceded to the British Government the Railway buildings at Bangalore City are not legally liable to taxation under the Bangalore Municipal Regulations of 1871 or any other law of the Mysore State. It was recognised however. that the Municipality could fairly claim payment in return for the various services rendered by it to the Railway Company and it was arranged that the matter should be settled by a mutual agreement between the two parties. After some correspondence both the Municipality and the Railway Company agreed to the payment of

(1) a lump sum of Rs.900 per annum for a period of 10 years from 1st July 1904 for water and lighting supplied to the City Railway Station,

(2)A charge at the rate of 12 annas per 1000 gallons for all water supplied in excess of 900000 gallons per quarter,and

(3) a sum of Rs. 15/- a month on account of special conservancy.

3. The Railway Company then objected to the payment of house tax on the ground that the Bangalore Municipal Regulations of 1871,which authorise the imposition of the tax,did not apply to the City Railway Station. On further representation,however, the Company withdrew this objection and,while proposing the payment of a lump sum of Rs.1,600/- a year in lieu of all taxes requested the Resident to fix such amount as was in his opinion fair and reasonable. The Municipal Commission,while agreeing to accept the arbitration of the Resident in this case,has claimed a sum of Rs.2,000/- a year in lieu of house,water and lighting taxes(exclusive of charges for excess water and special conservancy),but the Mysore Durbar,while considering that the Board's demand is not unreasonable,are of opinion that a reduced sum of Rs.1,800 may reasonably be accepted by them.

4. It will be noted that the charges payable for water, lighting and special conservancy services have already been

once settled by mutual agreement between the parties. The whole question has been brought up again in regard to the house tax and at the request of both the Railway Company and the City Municipality, it is now for the Resident to decide what total sum is to be paid by the former for the various services rendered by the latter.

5. As regards the house tax which has been paid without demur since the rendition of the Province to Native Rule in 1881, it appears reasonable that payment should be continued inasmuch as the mere transfer of jurisdiction over the Railway premises has in no way prejudicially affected the main condition or the benefits of Municipal administration accruing to the Railway Company to assist in meeting the expenses of which the house-tax is levied. In those circumstances and having regard to the prospective improvements likely to be made in the future and to the agreement already arrived at in the matter of water, lighting and special conservancy, the Offg. Resident considers that a sum of Rs.1,980/- per annum, which is arrived at as shown in the margin, will be a fair return to the Municipal Commission for the services rendered, and he accordingly awards this sum for a period of 10 years from 1st July 1904 in satisfaction of all Municipal demands other than the tax payable for the use of water in excess of 2,00,000 gallons per quarter, for which a rate of As.12 per 1000 gallons of excess water supplied is chargeable by the Municipality.

Rs. 900	for water and lighting service.
900	in lieu of house tax.
180	for special conservancy work.
1,980.	

6. Finally, no payment has yet been made on account of the water supplied and lighting services rendered by the Municipal Commission during the 4 years ending 1903-1904 and as to this also the Offg : Resident is asked to make an award. In all circumstances of the case, he thinks the sum of Rs.3,150/- proposed by the Railway Company is sufficient and reasonable, and

(5)

this amount is accordingly awarded.

7. The arrears of house tax due for the years 1902-03 and 1903-04 are payable at the rate of Rs.881-8-0 a year.

First Assistant Resident.

5

MEMORANDUM dated 14.9.1905 on the subject of taxation Petition Rs 1600

With reference to the demand of the Municipality for house-tax from the Madras Railway Co., the claim to which the Company had at first repudiated, the Company now offers to pay a lump sum of ₹1600 per annum in lieu of the sum of ₹1080/- (₹900 for Lighting and Water and ₹180 for Conservancy) already settled and to include all demands in the way of taxation for a period of 10 years. It is not possible to understand the principle on which the lump sum is fixed @ ₹1600. The sum of ₹180 agreed to be paid by the Company on account of Conservancy is not a tax. It is the actual charge for a cart taken by the Company and may cease when the cart ceases to be taken or may increase when more carts are taken. The lump sum payment of ₹900 on account of Lighting & Water rates was fixed only very recently and after a deal of correspondence. Eliminating these 2 items from the sum of ₹1600, the excess of ₹520 now offered will hardly cover the present demand of house-tax which is ₹881-8-0. This amount the Company was paying for the past several years.

2. Lighting rate is charged @ 1% and Water rate @ 3% on the annual rental value of the buildings as per sections 196 & 199 of the Municipal Regulations. As per section 64 of the said Regulations the house-tax is imposed @ 5%. Taking ₹900 for lighting and water rates now agreed upon by the Company as the basis of calculation, the house-tax should be paid @ ₹1125 or in round numbers @ ₹1100. This amount is not at all much. It is reasonable and fair, considering the prospective & progressive condition of the Company, such as, the erection of new buildings within the next 10 years.

3. By the arrangement now proposed the Board will be losing ₹361-8-0 per annum or ₹3615 during the decinnium for which settlement will be made. This the Municipality can hardly afford to forego in its present crippled financial condition.

4. If flourishing Companies, like the Madras Railway Company, do not pay what is legitimately due, the Municipality cannot go on, not to say that this will be a bad precedent to the Southern Mahratta Railway Co., which has been regularly paying all taxes without demur and to other large firms, mills and other rate-payers in the City.

5. If full taxes are not paid it would be impossible to maintain the roads leading to the Railway Station on all sides in as efficient a condition as is desirable.

6. It is hoped that Govt. will kindly consider all the above features of the question and effect a fair settlement-which if the Govt. so pleases, may take effect from the 1st July 1904 to be in keeping with the settlement already made for lighting and Water the arrears being paid according to the demand already made and long outstanding in the accounts against the Company.

14-9-1905.

Extract from the Proceedings of the Board dated the 21st. September 1905.

2. The General and Revenue Secretary's docket No 2242—Ml (151-05), dated 5th September 1905, forwarding for the opinion of the Board, a copy of letter No 4627, dated 19th August 1905, from the First Assistant to the Resident about the Madras Railway Company offering a lump sum of Rs. 1,600, including all Municipal taxes on their buildings at the Bangalore City Station for a period of ten years.

Resolved that a lump sum of Rs2000 made up of Lighting, and Water Rates and House-Tax will be the amount to be paid to this Board annually for a period of 10 years commencing from 1st July 1904. This sum does not include the actual conservancy charges. The Memorandum of the President on this subject will be forwarded to the Govt. with this resolution.

'C O P I E S'

President.

6

B.S 28] 12 B

File No. 157-05 5

Serial No 14

Diary No of letter replied to 4686

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT
(Mb:)

READ.—

Correspondence ending with letter No. 7168 dated the 4th December 1905 from the 1st Assistant to the Hon'ble the Resident in Mysore forwarding a Copy of the ~~Government Order~~ No. Resident's Proceedings No. 7166 of the same date deciding the question of payment by the Madras Railway Company for services rendered to them by the Bangalore City Municipality

, the 5th Dec 1905

Date of issue 15-12-05

Signed by Narasinga.

-GC.
8/12/05
10203

9+11 05

SUBJECT

11/12/05

in respect of the
Company's buildings within
the City Municipal limits

Order thereon 6326-7 dt 15-12-05
and (157-05) -14

A Copy of the
Sanitation Rules referred to is forwarded
to the President of the
Bangalore City Municipal
Commission for inform-
ation and guidance.

15.12.05

Typed
Kmk
18/12

Secy

SB
6/12/05

Stamped 5/12/05
6/12

To,
The President, Mumb Comm^r,
Bangalore City
Comptroller

3

G.R S 26]

File No 157-1/05

Serial No 11

Diary No of letter replied to 3028

Pol No. 379
Encl

General and Rev Secretariat

(Mg)

, the 10th Oct 1905

To

C C H. Morshing Esq I.C.S
First Asst to the
Hon'ble the Resident
in Mysore

Date of issue 15/11/05

Signed by Mr. B. L. Venkatasubbaiah
Iyengar

379

Sir,

With reference to your letter No. 4627 dated the 19th August 1905 calling for the views of the Durbar in the matter of the Madras Electric Company's offer to pay to the Bangalore City Municipality a lump sum of Rs 1000 in payment of all demands in the way of taxation for a period of ten years, I am directed to inform you that

8/11/05

SUBJECT

Submitted to and submitted

10/11/05

" it does not seem necessary to re-open the question of the ~~[illegible]~~ that ~~[illegible]~~ a heater tax ~~[illegible]~~ ~~[illegible]~~ abready decided all that is now required is, that ~~[illegible]~~ should continue to ~~[illegible]~~ and the said Company ~~[illegible]~~ pay ~~[illegible]~~ House tax to the Municipality as heretofore since this objection to pay it is not valid ~~[illegible]~~ now that they have, however, made a fresh offer, ~~[illegible]~~ ~~[illegible]~~, I am to forward herewith ~~[illegible]~~ ~~[illegible]~~ & Copy of the Memorandum drawn up by the President of the Bangalore City Municipal Commission and of the Board's resolution thereon, ~~[illegible]~~ and to add that the Board's demands of Rs 20007- a year on account of the House, Lighting and water taxes is

List of enclosures
Copy of further Memorandum as to the Resolution thereon

Copied by
Examined by

not unreasonable, and that the charges on account of special conservancy cash and consumption of water in excess of the "free allowance" are not taxes properly so called and are not therefore included in that demand I am ~~accordingly~~ to request the favour of your kindly advising the Company either to adhere to the arrangement already agreed to by them or to accept my proposal now made which is a reduction of Rs. 200 -

I have &c

31/10/05

Secy

30/10/05

(through the Consulting Engineer to the arrangement now under discussion)

(separate from the other charges)

(Examined by)

MGCPB—30,000—16-9-06

List of enclosures.

a reduced demand for Rs 1800 (as applied by them)

Read 14/11
Replied 14/11
Issued 14/11

GRS 26]

File No

Serial No

Diary No of letter replied to

No

General and Revenue Secretariat

( )

, the 190

To

Date of issue

Signed by

SUBJECT